



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,839	12/11/2000	Harold Aaron Lutke	80398.P416	4722

7590 04/04/2003

Jeffrey S. Smith
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 04/04/2003

| 0

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/734,839	LUDTKE ET AL. (D)
	Examiner	Art Unit
	DIANE D. MIZRAHI	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 February 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.



DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | <input type="checkbox"/> Other: _____ |

III. DETAILED ACTION

Claims 1-22 are presented for examination.

Applicant's arguments submitted on April 29, 2002 with respect to claims 1-23 have been reconsidered but are not deemed persuasive for the reasons set forth below.

Response to Applicant' Remarks

Examiner has completed a through study of Applicant's amendment of April 29, 2002.

Especially, Applicant's amendments to claims 1-23 and remarks at pages 6-8 of the Amendment of 2-26-03 has been carefully studied and reviewed.

Applicant's amendments to claims 1-23 further direct the claimed invention to a system and associated method. Examiner asserts that Ulvinen et al. and Ulvinen hereinafter in combination with Bisbee et al. and Bisbee hereinafter teaches Applicant's claimed invention of Claims 1-23.

-- **In regards to Applicant's new limitations of --**

"receiving private access information..." "by using the received private access information" and "authorized":

Ulvinen teaches Applicant's claimed invention of "receiving private access information" (i.e. by a fingerprint... in order to implement identification) (col 1, lines 14-26).

Ulvinen teaches Applicant's claimed invention of "by using the received private access information" (i.e. by using a voice actuated recognition system . . . to autheniticate or authorized a user) (col 1, lines 56-67).

Ulvinen teaches Applicant's claimed invention of "authorized" (i.e. by a fingerprint... in order to implement identification) (col 1, lines 14-26) see also predetermined password (col 1, lines 27-40).

Examiner asserts that Ulvinen in combination with Bisbee teaches Applicant's invention.

Applicant is inaccurate for the reasons explicitly stated in the first Office Action of April 29, 2002. These reasons have been explicitly stated in the first Office Action.

Examiner's Comments regarding Applicant's Remarks

Regarding Applicant's remarks, page 7) regarding Applicant's statement, "receiving private access information from a remote source", Examiner believes the limitations noted in the remarks, is taught by Ulvinen (i.e. by a fingerprint... in order to implement identification) (col 1, lines 14-26). Examiner maintains that these claims have been rejected in the Examiner's First Office Action of 4-29-02 and in the comments

and rejection above. Therefore, Claims 1-23 are therefore rejected as set forth in the April 29, 2000 office action.

Conclusion

THIS ACTION IS MADE FINAL. *Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be

Application/Control Number: 09/734,839
Art Unit: 2175

Page 5

reached on (703) 305-3806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

April 2, 2003